

BASIS FOR THE AMENDMENT

Claim 2 has been canceled. The limitations of Claim 2 have been included in Claim 1. The remaining Claims have been amended to better conform to accepted U.S. claim format.

New Claims 7-20 have been added.

New Claims 7 and 17 are supported at page 8, line 28 to page 9, line 1.

New Claim 8 is supported at page 9, line 5.

New Claim 9 is supported at page 9, line 6.

New Claims 10 and 11 are supported at page 11, lines 1-2.

New Claims 12-14 and 18-20 are supported at page 11, last paragraph and by the Examples.

New Claim 15 is supported by Claims 2 and 6 as originally filed.

New Claim 16 is supported by Claim 3 as originally filed.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1 and 3-20 will now be active in this application.

INTERVIEW SUMMARY

Applicants wish to thank Examiner Gollamudi and Supervisory Examiner Hartley for their helpful and courteous discussion with Applicants' Representative on January 13, 2004. During this discussion it was suggested to include the limitations of Claim 2 in Claim 1 in order to overcome the rejections over Jacquet et al and GB 1,567,496. In regard to the remaining rejections it was argued that Tables 1 and 2 at page 14 of the specification show the superior properties of the composition according to the present invention.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to a cosmetic composition, comprising:

0.01 to 60% by weight of one or more lipids contained in the stratum corneum and analogs thereof selected from the group consisting of natural ceramides, ceramide analogs and fatty acid esters of steroids, based on a total weight of said cosmetic composition; and

0.05 to 20% by weight of a terpene component selected from the group consisting of α -pinene, β -pinene, camphene, limonene, β -caryophyllene, α -terpineol, borneol, nopol, isobornylcyclohexanol, santalol, cedrol, guaiol, vetiverol and patchouli alcohol, based on a total weight of said cosmetic composition.

The present invention as set forth in **amended Claim 6** relates to a cosmetic composition, comprising:

one or more components selected from the group consisting of **lipids contained in the stratum corneum and analogs thereof**, and
cedrol.

In contrast, Jacquet et al and GB 1,567,496 fail to disclose or suggest the combination of 0.01 to 60% by weight of one or more lipids contained in the stratum corneum and analogs thereof and 0.05 to 20% by weight of a terpene component as claimed in Claim 1 and the combination of the lipids contained in the stratum corneum and analogs thereof, and cedrol as claimed in Claim 6. Jacquet et al only discloses a composition having lavender oil and triglycerides (Jacquet et al, cols. 14 and 15, Example 31). GB 1,567,496 only discloses compositions having esters of terpene alcohols (GB 1,567,496, page 1, lines 16-20). The

terpene alcohols can be menthol, borneol, geraniol, and citronellol (GB 1,567,496, page 2, lines 1 and 2).

Therefore, the rejection of Claim 1 under 35 U.S.C. § 102(e) as anticipated by Jacquet et al and the rejection of Claim 1 under 35 U.S.C. § 102(b) over GB 1,567,496 are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over Candau et al in view of Grievesson et al is respectfully traversed.

Candau et al and Grievesson et al fail to disclose or suggest the combination of 0.01 to 60% by weight of one or more lipids contained in the stratum corneum and analogs thereof and 0.05 to 20% by weight of a terpene component as claimed in Claim 1 and the combination of the lipids contained in the stratum corneum and analogs thereof, and cedrol as claimed in Claim 6.

Candau et al only discloses cosmetic compositions containing various ceramides. There is a general disclosure of essential oils at col. 4, line 62. However, as acknowledged by the Examiner, specific essential oils are not mentioned.

To cure this defect, the Examiner cites Grievesson et al which discloses cosmetic compositions having benefit agents. A long list of benefit agents is given a col. 2, line 59 to col. 3, line 57. Combinations of benefit agents may be used. However, there is no motivation to specifically combine the claimed lipids and terpene components as set forth in Claim 1 or the specific lipids and cedrol as claimed in Claim 6 of the present invention. In addition, Tables 1 and 2 at page 14 of the specification show superior results of the claimed compositions. Tables 1 and 2 are reproduced below.

Table 1

Component (% by weight)	Invention Product				Comparative Product		
	1	2	3	4	1	2	3
Ceramide analog ^{*1}	3	3	3	3	10	-	-
Patchouli oil ^{*2}	5	-	-	2.5	-	5	-
Cedar Wood oil ^{*3}	-	5	-	2.5	-	5	-
Cedrol	-	-	5	-	-	-	-
Isostearyl glyceryl ether	2	2	2	2	2	2	2
Sorbitan monostearate	2	2	2	2	2	2	2
2-Octyldodecyl myristate	10	10	10	10	10	10	10
Squalane	5	5	5	5	5	5	5
Glycerol	5	5	5	5	5	5	5
Purified water	Bal.	Bal.	Bal.	Bal.	Bal.	Bal.	Bal.
Degree of amelioration in chapped skin and roughened skin	4.6	4.8	4.5	4.9	2.5	1.8	0.8
Degree of improvement in skin qualities	4.6	4.2	4.2	5.0	1.8	2.2	1.0

*1: N-(3-Hexadecyloxy-2-hydroxypropyl)-N-2-hydroxyethyl-hexadecanamide.

*2: Containing 30% by weight of patchouli alcohol and 20% by weight of caryophyllene.

*3: Containing 24% by weight of cedrol.

Table 2

Component (% by weight)	Invention Product			
	5	6	7	8
Ceramide analog ^{*1}	3	3	3	3
Patchouli oil ^{*2}	0.5	-	-	0.25
Cedar wood oil ^{*3}	-	0.5	-	0.25
Cedrol	-	-	0.5	-
Isostearyl glyceryl ether	2	2	2	2
Sorbitan monostearate	2	2	2	2
2-Octyldodecyl myristate	10	10	10	10
Squalane	5	5	5	5
Glycerol	5	5	5	5
Purified water	Bal.	Bal.	Bal.	Bal.
Degree of amelioration in chapped skin and roughened skin	4.0	4.1	4.0	4.2
Degree of improvement in skin qualities	4.0	3.6	3.6	4.2

Notably, a superior degree of amelioration in chapped skin and roughened skin and a superior degree of improvement in skin qualities can be achieved using the compositions of the present invention. The Comparative Products 1 and 2 use either ceramide alone or terpene components alone, respectively. Comparative Product 3 does not have ceramide or terpene components. Comparative Products 1-3 only have a degree of amelioration in chapped skin and roughened skin in the order of **0.8 to 2.5** and a degree of improvement in skin qualities of **1.0 to 2.2**.

In contrast, the claimed compositions exhibit a superior degree of amelioration in chapped skin and roughened skin in the order of **4.0 to 4.9** and a superior degree of improvement in skin qualities of **3.6 to 5.0**. This is not disclosed or suggested by Candau et al and Grievesson et al either alone or in combination.

Therefore, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over Candau et al in view of Grievesson et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

In addition, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over WO 97/14401 in view of Hattori et al is respectfully traversed.

WO 97/14401 and Hattori et al fail to disclose or suggest the combination of 0.01 to 60% by weight of one or more lipids contained in the stratum corneum and analogs thereof and 0.05 to 20% by weight of a terpene component as claimed in Claim 1 and the combination of the lipids contained in the stratum corneum and analogs thereof, and cedrol as claimed in Claim 6. There is no motivation to combine the claimed components in the claimed amounts. Further, the claimed combinations are not exemplified. However, the claimed combinations have superior properties as discussed above. This is not disclosed or suggested by WO 97/14401 and Hattori et al, alone or in combination.

Therefore, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over WO 97/14401 in view of Hattori et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The objection to Claims 4-5 under 37 C.F.R. § 1.75 (c) is obviated by the amendment of these Claims.

The rejection of Claims 3-5 under 35 U.S.C. § 112, 2nd paragraph, is obviated by the amendment of these Claims.

Applicants wish to thank the Examiner for considering the references cited in the International Search Report. A separate listing of these references on a Form PTO-1449 was provided with on February 25, 2002. For the Examiner's convenience a copy of **Form PTO 1449 as filed on February 25, 2002**, is attached herewith. Applicants respectfully request that the Examiner initial, sign and date this form.

In addition, Applicants respectfully request that the Examiner acknowledge that the references cited in the **Information Disclosure Statement**, filed in the above-identified application on **October 20, 2003**, have been considered. For the Examiner's convenience a copy of Form PTO 1449 as filed on October 20, 2003, is attached herewith.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or

Application No.: 10/049,640
Reply to the Office Action of October 21, 2003
Amendment Dated: January 21, 2004


otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG:



Norman F. Oblon
Attorney of Record
Registration No.: 24,618

Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297

I:\USER\KGRUN219581-AM.DOC